

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

RECEIVED  
ASHEVILLE, N.C.

NOV 08 2018

Clerk, U.S. Dist. Court  
W. Dist. of N.C.

TERI LYNN HINKLE

*Plaintiff.*

vs

EXPERIAN INFORMATION  
SOLUTIONS, INC.; TRANS UNION  
LLC; EQUIFAX, INC.; EQUIFAX  
INFORMATION SERVICES, LLC

*Defendants*

Civil No: 1:18-CV-00007-MR-DLH

**MOTION FOR ENTRY OF DEFAULT JUDGMENT**

TO THE HONORABLE JUDGE OF THIS COURT:

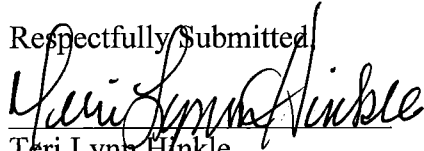
The Plaintiff, Teri Lynn Hinkle, comes before this Court with this Motion for Entry of Default Judgment against Defendants, Equifax, Inc. and Equifax Information Services, LLC and states as follows:

1. Plaintiff has made all filings required of this Court to bring a cause of action against the Defendants, Equifax, Inc. and Equifax Information Services, LLC, for damages under the Fair Credit Reporting Act (FCRA).
2. Plaintiff has made proper service of the summons and Complaint through the United States Postal Service to Defendants, Equifax, Inc. and Equifax Information Services, LLC, as evidenced by the affidavit of Plaintiff.
3. The time for the Defendants to respond after denial of their Joint Motion to Dismiss Plaintiff's First Amended Complaint (Doc. 57) is substantially past and Defendants have made no further response to the service of summons and Complaint in this matter. The

Defendants, Equifax, Inc. and Equifax Information Services, LLC are therefore in default.

4. Plaintiff has made a Request for Clerk's Entry of Default Judgment.

WHEREFORE, the Plaintiff respectfully requests the entry of a Default Judgment in the amount of \$2,210.00 inclusive of all Plaintiffs' costs against the Defendants, Equifax, Inc. and Equifax Information Services, LLC, in this matter be granted by this Honorable Court.

Respectfully Submitted,  
  
Teri Lynn Hinkle  
440 Beaver Ridge Road  
Murphy, North Carolina 28906  
828-494-2007  
[queensongbird@gmail.com](mailto:queensongbird@gmail.com)

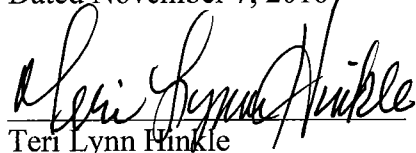
**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document was sent to the parties listed below by first class mail USPS.

**Counsel for Defendant(s) Equifax Inc. & Equifax Information Services LLC**

Bradley J. Lingo  
King & Spalding LLP  
300 South Tryon Street Ste. 1700  
Charlotte, NC 28202

Dated November 7, 2018

A handwritten signature in black ink, appearing to read "Teri Lynn Hinkle", is written over a horizontal line.

Teri Lynn Hinkle  
440 Beaver Ridge Road  
Murphy, North Carolina 28906  
828-494-2007  
[queensongbird@gmail.com](mailto:queensongbird@gmail.com)

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*Plaintiff.*

vs

EXPERIAN INFORMATION  
SOLUTIONS, INC.; TRANS UNION  
LLC; EQUIFAX, INC.; EQUIFAX  
INFORMATION SERVICES, LLC  
*Defendants*

Civil No: 1:18-CV-00007-MR-DLH

**MEMORANDUM IN SUPPORT OF DEFAULT JUDGMENT**

Teri Lynn Hinkle (hereinafter "Plaintiff"), pursuant to FRCP 55(a), respectfully requests this Honorable Court to enter default judgment against Defendants Equifax, Inc. and Equifax Information Services, LLC (hereinafter "Defendants") and to award Plaintiff \$2,210.00 in damages. (inclusive of Plaintiff's costs)

**PROCEDURAL BACKGROUND**

On September 25, 2018 this Honorable Court entered an Order denying Defendants' joint Motion to Dismiss [Doc. 57]. Pursuant to FRCP 12(a)(4)(A), Defendants were required to file an answer to Plaintiff's First Amended Complaint [Doc. 37] by October 9, 2018.

**THE CASE IS RIPE FOR ENTRY OF DEFAULT JUDGMENT**

Plaintiff states the following in support of the requested Default Judgment:

1. This current action was filed by First Amended Complaint on April 4, 2018 [Doc. 37], and was properly served on Defendants (See Exhibit A attached).
2. Defendants filed a joint Motion to Dismiss [Doc. 43] on April 20, 2018.

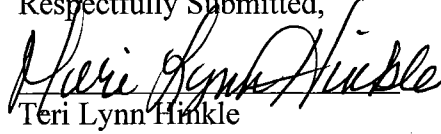
3. On September 5, 2018 the Honorable Dennis L. Howell, United States Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendants' motion. [Doc. 56]
4. Defendants did not file any objections to the Magistrate Judge's Memorandum and Recommendation within the fourteen (14) days of service nor did the Plaintiff.
5. On September 25, 2018 United States District Judge of this Court, the Honorable Martin Reidinger, accepted the Memorandum and Recommendation [Doc. 56] and Ordered that Defendants' joint Motion to Dismiss [Doc. 43] be denied. [Doc. 57]
6. As the record reveals, Defendants failed to file an answer or other responsive pleading within the time frame set forth as required by FRCP 12(a)(4)(A).
7. Plaintiff filed a Request for Clerks Entry of Default as to Equifax, Inc. and Equifax Information Services, LLC on November 7, 2018.
8. Defendants are neither minors nor incompetent persons.
9. The Service Members Civil Relief Act does not apply to Defendants.
10. Defendants were served with the Request for Entry of Default. (See Exhibit A).
11. In light of the foregoing, it is highly unlikely that Defendants' default was the result of excusable neglect.

**PLAINTIFF'S COMPLAINT SUPPORTS THE PROPOSED DEFAULT JUDGMENT**

**Plaintiff's allegations are sufficient to support her causes of action.**

WHEREFORE, Plaintiff requests this Honorable Court grant this Motion for Entry of Default Judgment in the amount of \$2,000.00 in statutory damages and \$210.00 in costs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Teri Lynn Hinkle", written over a horizontal line.

Teri Lynn Hinkle

440 Beaver Ridge Road

Murphy, North Carolina 28906

828-494-2007

[queensongbird@gmail.com](mailto:queensongbird@gmail.com)

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document was sent to the parties listed below by first class mail USPS.

**Counsel for Defendant(s) Equifax Inc. & Equifax Information Services LLC**

Bradley J. Lingo  
King & Spalding LLP  
300 South Tryon Street Ste. 1700  
Charlotte, NC 28202

Dated February 7, 2018

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Teri Lynn Hinkle  
440 Beaver Ridge Road  
Murphy, North Carolina 28906  
828-494-2007  
[queensongbird@gmail.com](mailto:queensongbird@gmail.com)

# **EXHIBIT A**



UNITED STATES DISTRICT COURT  
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Clerk, U.S. Dist. Court  
W. Dist. of N.C.

TERI LYNN HINKLE

*Plaintiff.*

Civil No: 1:18-CV-00007-MR-DLH

vs

EXPERIAN INFORMATION  
SOLUTIONS, INC.; TRANS UNION  
LLC; EQUIFAX, INC.; EQUIFAX  
INFORMATION SERVICES, LLC

*Defendants*

**AFFIDAVIT IN SUPPORT OF CLERK'S ENTRY OF DEFAULT**

I hereby certify that I am the plaintiff or the attorney of record for the plaintiff in the above cause, and that defendants Equifax, Inc. and Equifax Information Services, LLC were served by the following methods.

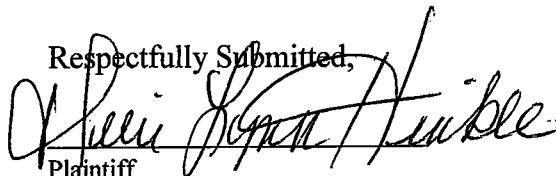
To Equifax, Inc.: Certified Mail #70162070000041337557 by Caitlin Scarlett Hinkle on January 31, 2018 and the First Amended Complaint by United States Postal Service on April 4, 2018.

To Equifax Information Services, LLC: Certified Mail Return Receipt # 9590940216606053807734 by Caitlin Scarlett Hinkle on April 16, 2018.

I further certify that the defendants have failed to serve an answer or other responsive pleading pursuant to FRCP 12, no extension has been granted or any extension has expired; the defendants are not infants (under age 21) nor incompetent persons; the defendants are not in the active military service of the United States of America or its officers or agents were not six months prior to the filing of the case.

The Clerk is requested to enter a default against said defendants.

Respectfully Submitted,



Plaintiff

Teri Lynn Hinkle  
440 Beaver Ridge Road  
Murphy, North Carolina 28906  
828-494-2007  
[queensongbird@gmail.com](mailto:queensongbird@gmail.com)

Date: 11-7-18

NOTARY

STATE OF NORTH CAROLINA

COUNTY OF CHEROKEE

Subscribed and sworn to (or affirmed) before me on this 7 day of Nov 2018 by,  
Teri Lynn Hinkle, who proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



Madeline Mull Reese  
Signature  
Exp 04-12-02-22

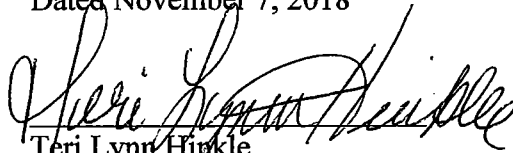
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Dated November 7, 2018

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